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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JEAN ROBERT SAINT-JEAN and EDITH  
SAINT-JEAN,

Plaintiffs,

Index No. 11-CV-2122

-v-

The Honorable Sterling Johnson, Jr.

EMIGRANT MORTGAGE COMPANY,

Defendants.

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Motion to Dismiss Complaint, upon the accompanying Declaration of David A. Scheffel in Support of Motion to Dismiss Complaint, and upon all prior pleadings herein, Defendant Emigrant Mortgage Company hereby moves to dismiss the Complaint in this action pursuant to Rule 12 of the Federal Rules of Civil Procedure, together with such other or further relief that the Court may deem just and proper.

Dated: June 8, 2011

Respectfully submitted,

DORSEY & WHITNEY LLP

/s/ David A. Scheffel

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